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JAMES R. BROWNING, Clerk

IN THE

Supreme Court of the United States

OCTOBER TERM, 1958

No. 643

THE ST. REGIS TRIBE OF MOHAWK INDIANS, *Petitioner*,

v.

THE STATE OF NEW YORK, *Respondent*.

MOTION FOR LEAVE TO FILE A PETITION FOR REHEARING OUT OF TIME

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IN THE

Supreme Court of the United States

OCTOBER TERM, 1958

No. 613

THE ST. REGIS TRIBE OF MOHAWK INDIANS, *Petitioner*,

v.

THE STATE OF NEW YORK, *Respondent*.

MOTION FOR LEAVE TO FILE A PETITION FOR REHEARING OUT OF TIME

Petitioner by its counsel moves for leave to file, within ten days after disposition of this motion, a petition for rehearing of the order of February 24, 1959, by which its petition for a writ of certiorari was denied. In support of this motion petitioner shows—

That its petition for a writ of certiorari was grounded primarily on a direct conflict between the decision below in the instant case and the even more recent decisions of *two* United States Courts of Appeals on the same federal question as to the application of 25 U.S.C. Sec. 177 to the State of New York, a matter of substantial importance to many owners

and lessees of real estate in that State and to all of its some 6,500 reservation Indians. Also that since May 11, 1959, a date some two and one half months subsequent to February 24, 1959, this Court now for the first time has before it undecided applications for review of both of those two decisions. October Term, 1958, Nos. 386 and 911. (The Federal Power Commission's avoidance of any reference to Sec. 177 in its current petition in No. 911 does not alter the fact that the whole ruling of which it complains was bottomed on and occasioned solely by the preliminary decision in part I of the opinion of the Court of Appeals of the District of Columbia sustaining the application of that section to the State of New York. See pages 26-27 and 33-35 of the Appendix to that petition.) And also that the same State of New York is a direct party in interest in all three cases, and either in its own name or in that of one of its agencies or officials has in all the courts below been a party of record in each of them.

Wherefore, petitioner submits that under all the circumstances the orderly processes of justice to all concerned indicate that all three cases should be before the Court when it is called upon to consider any one of them.

Respectfully,

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